

### REMARKS

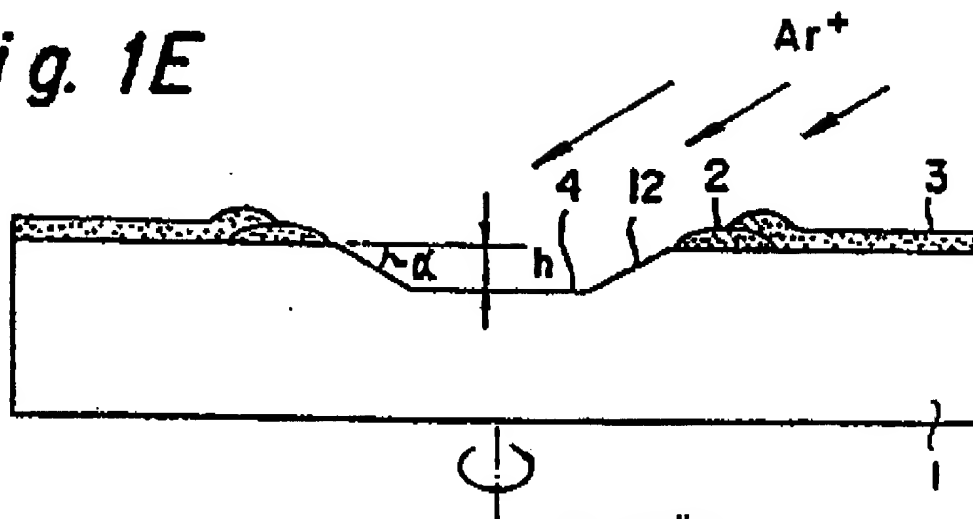
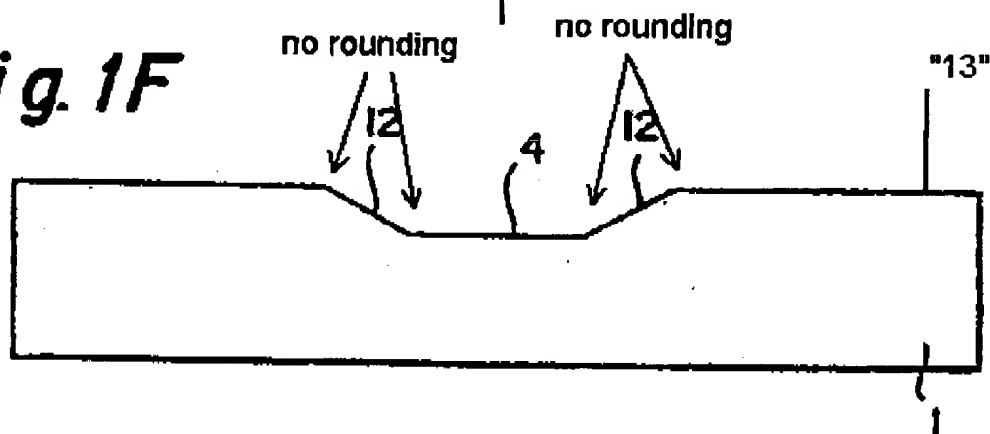
The following remarks are intended to be fully responsive to the Office Action mailed May 10, 2004. If any aspect of this response is deemed deficient, the Examiner is invited to contact the Applicant's representative.

### 102 REJECTIONS

Claims 1-3, 5, 14-15, and 18-19 are rejected under 35 U.S.C. 102, as being anticipated by Wada et al. (USP 5,001,080). The Applicant respectfully traverses.

The present invention is related to, but not limited to, MEMS-type devices. As described in the background section of the present invention, prior devices have had issues of chipping or breaking, which the present invention seeks to cure. This problem is cured by the process in Claim 1 which recites, among other limitations, etching a pattern into a surface on the device to form "at least one sidewall and a rounded edge between the surface on the device and one of the sidewalls in the pattern." The Office Action alleges that Fig. 1E (and description in Col. 3, lns. 35-40) disclose this limitation.

Wada et al. discloses a method to produce a semiconductor device with optical elements "formed on a nearly flat single surface." (Col. 1, lns 50-55) Wada et al. further teaches that to cure disadvantages of the prior art Wada et al. proposes "forming a wiring layer connecting the optical semiconductor element and the electronic semiconductor element on the gentle slope." (Col. 2, lns 1-5) This is shown in marked up Figs. 1E and 1F of Wada et al.:

*Fig. 1E**Fig. 1F*

Wada et al. does not disclose, teach or suggest forming a rounded edge between a surface and a sidewall, as recited in claim 1 of the present invention. As shown in the marked up version of Fig. 1F, Wada et al. does not shown this rounded edge feature. Assuming for argument that "13" or even "4" is a surface, and that "12" is a sidewall, Wada still does not show in Fig. 1F (nor does it teach or suggest in the detailed description) that any of those edges be rounded. Further, in Fig. 1E, Wada does show photoresist layers 2 and 3, wherein resist layers 2 and 3 are somewhat

rounded. This rounded feature is provided in order to get a smooth slope 12 (See Col. 3, lns 24 and 25), which is not recited in claim 1. Claim 1, again, recites "positioning a mask" and forming a rounded feature in a device between a surface and a sidewall (it does not recite rounding a mask). Based on the foregoing, it is respectfully requested that the rejection to claim 1 be withdrawn because it has been shown that Wada et al. does not disclose every limitation in claim 1 and therefore cannot anticipate claim 1. A notice to that effect is respectfully requested.

Claims 2-3, 5, 14-15, and 18-19 depend from independent claim 1 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 1 as well for the additional features recited therein. Therefore, notice to the effect that dependent claims 2-3, 5, 14-15, and 18-19 are in a condition for allowance is respectfully requested.

#### CLAIM REJECTIONS (103)

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of Celler et al (USP 4581814). Also, claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of Peterson et al (USP 6335224). Claims 6-9, and 20-21 depend from independent claim 1 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 1 as well for the additional features recited therein. Therefore, notice to the effect that dependent claims 6-9, and 20-21 are in a condition for allowance is respectfully requested..

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CERTIFICATION UNDER 37 C.F.R. 1.8

Date of transmission: August 10, 2004

I hereby certify that this paper is being transmitted via Express Mail to the U.S. Patent and Trademark Office on the date shown above.

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